

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

NICHOLAS K. MOEHLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:12-cv-00437
	)	
THE CMI GROUP, INC.	)	<b>Removal from the Circuit Court of</b>
	)	
Defendant.	)	<b>St. Louis County, Missouri.</b>
		<b>No. 12SL-AC01942</b>

**DEFENDANT'S NOTICE OF REMOVAL**

COMES NOW Defendant, The CMI Group, Inc. ("CMI"), by its attorneys, and hereby removes the above-referenced lawsuit filed by Plaintiff Nicholas K. Moehle ("Plaintiff") in the Circuit Court of the St. Louis County, Missouri. For its notice of removal, CMI states as follows:

1. Plaintiff filed a civil action against Defendant on January 18, 2012 in the Circuit Court of St. Louis County, Missouri ("Plaintiff's State Action") alleging claims for violation of the Fair Debt Collection Practices Act and the Telephone Consumer Privacy Act.
2. No previous application has been made for the relief requested herein.
3. The Notice of Removal is being filed within thirty (30) days of service of process on CMI. CMI was served with a copy of Plaintiff's Petition on or about February 8, 2012.
4. A copy of Plaintiff's Petition, along with all other documents filed in connection with this matter to date, are attached hereto as **Exhibit A** and constitute the complete legal file.
5. The instant lawsuit is one that may be removed to this Court by CMI pursuant to the provisions of 28 U.S.C. §§ 1331, § 1441(a) and (b) and § 1446(b) by virtue of the federal questions raised in Plaintiff's Petition, in that Plaintiff's claims purport to allege violations of the laws of the United States.
6. CMI has timely filed this Notice of Removal pursuant to 28 U.S.C. § 1446(b) in that it is filed within 30 days of the date CMI received a copy of the Summons and Complaint.

7. This Notice of Removal is accompanied by written notice to Plaintiff, and a written Notice to Clerk of Removal filed with the Clerk of the Circuit Court of St. Louis County, Missouri on this date, all as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant provides Notice of Removal of the above-styled action pending in the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,



THE LOWENBAUM PARTNERSHIP, L.L.C.  
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COUNSEL FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 9<sup>th</sup> day of March, 2012, served a copy of *Defendant's Notice of Removal* via first class mail, postage prepaid, upon the following counsel of record:

James W. Eason, Esq.  
Eason & Voytas, LLC  
1141 South Seventh Street  
St. Louis, Missouri 63104  
(314) 932-1066

COUNSEL FOR PLAINTIFF

